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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,025	02/17/2005	Ehud Davidovich	P-4032-US	3131
49443 7590 03/10/2008 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER KEATON, SHERROD L				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,025

Applicant(s)

DAVIDOVICH ET AL.

Examiner

Sherrod Keaton

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14 and 16-28 is/are rejected.
- 7) ☒ Claim(s) 6 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2-17-2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the original filing of 2-17-2005. Claims 1-28 are pending and have been considered below:

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 5, 14 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter. Specifically because the claimed invention is directed to a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea, natural phenomenon, or law of nature) and is not directed to a practical application of such judicial exception. The claims do not require any physical transformation and the invention as claimed do not produce a useful, concrete, and tangible result.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 1, 5, 14, 19, 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the specification the claimed subject matter merely recites a formula that is being used.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 5, 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed subject matter merely recites mathematical steps but does not distinctly point out what the invention is.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 10, 13, 19, 20, 28 are rejected under 35 U.S.C. 102(e) as

being anticipated by Jameson (US 20030107591 A1).

Claim 1: Jameson discloses a method comprising: recording a quantity of focus applied to a focus item; deriving a focus decay value from said quantity (Page 7, Paragraph 195); decaying a focus measurement of said focus item and a focus measurements of at least one other item by said focus decay value; and adding amounts decayed from said focus measurement of said focus item and from said focus measurement of said at least one other item to said focus measurement of said focus item (Page 8, Paragraph 200 and 201). The focus is recorded calculated and statistics are provided on the focus of the role.

Claim 3: Jameson discloses a method as in claim 1, further comprising diffusing said focus measurement of said focus item among at least one related item (Page 8, Paragraph 200 and 201).

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Claim 10: Jameson discloses a method as in claim 1, and further discloses wherein said recording comprises recording a quantity of time during which focus is applied to said focus item (Page 7, Paragraph 195).

Claim 13: Jameson discloses a method as in claim 1 wherein said recording comprises recording a discreet number of focus units (Page 7, Paragraph 195; Page 8, Paragraph 200-201). Groups of focus variables can be recorded.

Claim 19 and 28: Jameson discloses computing system and means comprising: a data storage unit to store at least focus measurements; and a processor: to record a quantity of focus applied to a focus item, to calculate a focus decay value from said quantity of focus, to reduce said focus measurements of said focus item and focus measurements of other items by said decay value, and to add the amounts reduced from said focus measurements to said focus measure of said focus item (Page 7, Paragraph 195; Page 8, Paragraph 200-201).

Claim 20: Jameson discloses a computing system as in claim 19, wherein said processor is to diffuse said focus measurement of said focus item among at least one related item (Page 8, Paragraph 200-201). Focus measurement can be calculated on the group.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 14, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Focus + Context views of world wide web nodes (C&C Research Laboratories; Sougata Mukherjea and Yoshinori Hara "Mukherjea")

Claim 14: Mukherjea discloses a method comprising: reducing a focus measurement of at least one item related to a focus item by a context decay value; calculating a related item contribution amount for said at least one related item; and adding the product of said context decay value times said related item contribution amount to said reduced focus measurement for said at least one related item. (Page 189, Column 2; Page 190, Column 2)

Claim 16: Mukherjea discloses a method as in claim 14, further comprising filtering out items whose context measurement is below a threshold context value (Mukherjea Page 189, Column 2).

Claim 17: Mukherjee discloses a method as in claim 14, further comprising displaying said at least one related item in a format that reflects the context measurements of said at least one related item (Mukherjee Page 189, Column 2).

Claim 18: Mukherjee discloses a method as in claim 17, comprising adjusting a size of a display of said at least one related item to reflect the context measurement of said at least one related item relative to the context measurements of other items (Mukherjee Page 191, Column 2).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4, 5, 7-9, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jameson (US 20030107591 A1) in view of Focus + Context

views of world wide web nodes (C&C Research Laboratories; Sougata Mukherjea and Yoshinori Hara "Mukherjea").

Claim 2: Jameson discloses a method as in claim 1, further comprising displaying said focus item in a graphical format that visually reflects said focus measurement of said focus item. However Mukherjea discloses focus (access frequency) and context measurements for the landmark and related nodes and how nodes will be displayed (Page 189). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention provide focus measurements in a graphical format in Jameson as taught by Mukherjea. One would have been motivated to provide the context measurements to improve the efficiency and accuracy of what is important to the user.

Claim 4: Jameson discloses a method as in claim 3, but does not explicitly disclose wherein said diffusing comprises calculating a context measurement for said at least one related item. However Mukherjea discloses context measurements for the landmark and related nodes (Page 189, Column 2). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention provide context measurements in Jameson as taught by Mukherjea. One would have been motivated to provide the context

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measurements to improve the efficiency and accuracy of what is important to the user.

Claim 5: Jameson and Mukherjee disclose a method as in claim 4, and further discloses said calculating includes at least: reducing said context measurement of said at least one related item by a context decay value; deriving a related item contribution amount for said at least one related item; and adding the product of said context decay value times said related item contribution amount to said reduced context measurement for said at least one related item (Mukherjee Page 189, Column 2).

Claim 7: Jameson and Mukherjee disclose a method as in claim 4, and further disclose comprising filtering out items whose context measurement is below a threshold context value (Mukherjee Page 189, Column 2).

Claim 8: Jameson and Mukherjee disclose a method as in claim 4, and further disclose comprising displaying said at least one related item in a graphical format that visually reflects context measurements of said at least one related item relative to the display of other items (Mukherjee Page 191, Column 2).

Claim 9: Jameson and Mukherjea disclose a method as in claim 8, and further disclose displaying said at least one related item relative to the display of other items comprises displaying said related item and said other items such that indications of context are expressed using one or more of size, color, boldness brightness, hue, detail and organic value (Mukherjea Page 191, Column 2).

Claim 21: Jameson discloses a computing system as in claim 20, but does not explicitly disclose that said processor is to calculate a context measurement of said at least one related item. However Mukherjea discloses context measurements for the landmark and related nodes (Page 189, Column 2).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention provide context measurements in Jameson as taught by Mukherjea. One would have been motivated to provide the context measurements to improve the efficiency and accuracy of what is important to the user.

Claim 22: Jameson and Mukherjea disclose a computing system as in claim 21, comprising a display to display said at least one related item in a manner that visually reflects said context measurement of said at least one related item relative to other items (Mukherjea Page 191, Column 2).

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Claim 23: Jameson and Mukherjea disclose a computing system as in claim 22, wherein displaying in a manner that visually reflects said context measurements includes at least displaying using one or more of size, color, boldness brightness, hue, detail and organic value (Mukherjea Page 191, Column 2).

Claim 24: Jameson and Mukherjea disclose a computing system as in claim 21, wherein said processor is to filter out related items whose context measurements is below a threshold context value (Mukherjea Page 189, Column 2).

Claim 25: Jameson and Mukherjea disclose a computing system as in claim 19, comprising a display to display said focus item in a manner that visually reflects said focus measurement of said focus items relative to other items (Mukherjea Page 189, Column 2).

12. Claims 11, 12, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jameson (US 20030107591 A1) in view of Tanny et al ("Tanny" US 20030131016 A1).

Claim 11: Jameson discloses a method as in claim 1, but does not explicitly disclose that said recording comprises recording a quantity of time during which

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a pointing symbol indicated focus on said focus item. However Tanny discloses recording time of focus (Page 3, Paragraph 39). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to record time of focus of a symbol in Jameson as taught by Tanny. One would have been motivated to record the pointing symbol as an improved automated tracking of the user.

Claim 12: Jameson and Tanny disclose a method as in claim 11, wherein said pointing symbol is controlled by a device that is operably connected to a computer (Tanny Page 3, Paragraph 39).

Claim 26: Jameson discloses a computing system as in claim 19, but does not explicitly disclose wherein said processor is to record a quantity of time during which focus is applied to said focus item. However Tanny discloses recording time of focus (Page 3, Paragraph 39). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to record time of focus of a symbol in Jameson as taught by Tanny. One would have been motivated to record the pointing symbol as an improved automated tracking of the user.

Claim 27: Jameson and Tanny disclose a computing system as in claim 19, further comprising a pointing device to apply said quantity of focus (Tanny Page 3, Paragraph 39).

Allowable Subject Matter

13. Claims 6 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements: A method comprising: adding the dividend of the context measurements of the related items divided by the number of said other related items that are related to at least one item

Although the method Jameson and Mukherjea teach context measurements they do not teach adding the dividend of the measurements and dividing by the number of related items.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

2-15-08

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174